

United States District Court
Southern District of Florida.
CASE NO 00-6273 -CR-HUCK.

United States of America
Plaintiff

v

Ariel A. Hernandez
Defendant.

Motion Ordering Appellate Counsel Richard Roscnbaum to turn over all papers, CD's and relevant documents to Defendant Ariel A. Hernandez so he may file a pro se 28 U.S.C 2255 motion

Comes now Defendant Ariel A. Hernandez pro se and ask this court to order Appellate Counsel Richard Roscnbaum located at 350 EAST LAS OLAS BOULEVARD, suite 1700, LAS OLAS CENTRE in Ft Lauderdale, Fla, 33301 to turn over all documents, files, CD's, transcripts and any and all relevant documents so that Defendant may file a 28 U.S.C. 2255

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Defendant Avers The following.

1. Defendant has tried three phone calls AND letters to get Appellate Counsel Richard Rosenbaum to provide documents AND transcripts from all the
 - A. Pre trial motion hearings
 - B. Trial transcripts
 - C. Sentencing transcripts
 - D. A true AND correct evidentiary hearing transcripts (The ones provided by this court are missing sections AND prejudicial statements made by trial Judge Hucks at this hearing. Defendant has obtain affidavits from all defense attorneys present at the evidentiary hearing testifying that there are key parts missing from the transcripts provided by Judge Hucks).
2. Appellate Attorney Richard Rosenbaum wants this indigent defendant to provide him with monies to cover the cost of copying transcripts AND any other documents AND or CD's. This Court Knows this Defendant is indigent. There fore cannot give Mr. Rosenbaum any money to cover costs

3. Defendant feels that he should not be asked for money by Mr Rosenbaum, especially when this court provided him with documents, transcripts and CD's free because Defendant is Indigent.

4. Defendant has only 4 months left to file a 28 U.S.C 2255 motion and it's important that his court order Mr Rosenbaum to turn over everything he has on this Defendant's case.

5. Defendant Knows this court wants to be fair and not lean only to the prosecution's side. And should order the Facility to provide this Defendant with a computer to review his CD's. Dade County Jail has a computer available only with a court order, and it's vital this court issue a order to provide me (this Defendant) with a court order to use the computer to review his CD's if Mr Rosenbaum turns over his CD's to this Defendant.

These force This Defendant asks This Court
to enter a order compelling Mr. Rosenbaum
to turn over all documents, files, CD's and
any other relevant documents and papers
pertaining to this Defendants Criminal case.
(case no. 00-6273 CR-Hock.)

submitted by *Ariel A. Hernandez*
Ariel A. Hernandez

certificate of service

I hereby certify that a copy of the
fore going has been sent via U.S. Mail
to the following individuals on this 20 day
of October, 2005 by *Ariel A. Hernandez*

Richards Rosenbaum ESG	# 04006104
350 E. Las Olas Blvd Suite 1700	T. G. K.
Las Olas Centre	7000 NW 41st
Ft. Lauderdale, Fl. 33301	Miami, Fl., 33166

LAWRENCE LEVECHIO U.S.A.A.
Jeffrey Sloman U.S.A.A.
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